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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Ghana

1. The Committee considered the initial report of Ghana (CRC/C/3/Add.39) at its 376th to 378th meetings (CRC/C/SR.376-378), held on 22 and 23 May 1997 and adopted* the following concluding observations:

A. Introduction

2. The Committee welcomes the initial report and the written answers to the list of issues (CRC/C/Q/GHA/1) submitted by the State party. The Committee expresses its satisfaction at the additional information provided by the State party in the course of the dialogue with the Committee, during which the representatives of the State party indicated in a self-critical manner not only the policy and programme directions, but also the difficulties encountered in implementing the Convention.

B. Positive aspects

3. The Committee notes the establishment in 1979 of the Ghana National Commission on Children. It also welcomes the adoption of a National Plan of Action which has been incorporated into the National Development Policy Framework.

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* At the 398th meeting, held on 6 June 1997.

4. The Committee notes with appreciation that the State party promulgated a new Constitution in 1992 which includes specific provisions relating to children's rights. It also notes that the State party, through a multisectoral committee, in 1995, engaged in a comprehensive law reform process to ensure full compatibility between national laws and the Convention on the Rights of the Child.

5. The Committee welcomes the establishment in 1992 of the Commission on Human Rights and Administrative Justice which is also involved in the protection of the human rights of children.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee recognizes the economic difficulties faced by the State party, especially the constraint posed by its structural adjustment programme. Furthermore, the Committee notes that certain traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the provisions of the Convention, especially with regard to the girl child.

D. Principal subjects of concern

7. While taking note of the measures undertaken in the field of law reform, including the intention to adopt a Children's Act, the Committee notes with concern that currently several provisions of the law are incompatible with the provisions and principles of the Convention, especially in the fields of civil rights, adoption and juvenile justice. The Committee also remains concerned about the conflict between customary law and the principles and provisions of the Convention in some areas such as marriage.

8. The Committee notes with satisfaction the existence of government bodies dealing with the welfare of children at the national and local levels; it nevertheless expresses its concern that there is insufficient coordination between them to develop a comprehensive approach to the implementation of the Convention.

9. While acknowledging the work undertaken by the Ghana National Commission on Children, the Committee is concerned about its weak institutional and financial status.

10. The Committee is concerned at the lack of a systematic mechanism to monitor progress in all areas covered by the Convention and in relation to all groups of children in urban and rural areas, especially during the current process of decentralization. The Committee is also concerned about the State party's limited capacity to collect and process data, as well as develop specific indicators to evaluate progress achieved and assess the impact of policies adopted on children, in particular the most vulnerable groups of children.

11. With regard to the implementation of article 4 of the Convention, the Committee notes with concern the absence of policies and measures to fully guarantee economic, social and cultural rights of children "to the maximum extent of available resources".

12. In the light of article 2 of the Convention, the Committee remains concerned about the persistence of discriminatory attitudes against some groups of children, especially girls and children with disabilities as well as children living in rural areas, which often results in limited access to basic social facilities such as health and education.

13. Concern is expressed by the Committee at the insufficient measures undertaken to ensure the effective implementation of the general principles (arts. 2, 3, 6 and 12) of the Convention on the Rights of the Child in relation to legal, judicial and administrative decisions as well as to the political decision-making process.

14. The Committee expresses its concern regarding the lack of sufficient awareness of the principles and provisions of the Convention in all parts of society, among adults and children alike. It also is concerned by the lack of sufficient training for professional groups working with or for children such as judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school managers, health personnel, social workers, officials of central and local administrations and personnel of child-care institutions.

15. In relation to article 7 of the Convention, the Committee is concerned that in many rural areas regulations on birth registration are not fully implemented and that children who are not registered may be seriously disadvantaged in the enjoyment of their rights.

16. The Committee is deeply concerned by the institutionalized use of corporal punishment as a means of discipline, particularly in schools, as well as at the absence of a comprehensive law that clearly prohibits the use of both mental and physical torture or other cruel, inhuman or degrading treatment or punishment against children.

17. In light of article 17 of the Convention, the Committee notes with concern that no mechanism exists to protect children from being exposed to harmful information, including pornography.

18. The Committee further notes with concern the inadequacy of existing laws in protecting children who are "adopted" - a situation which has led to abuses such as exploitation through domestic labour, particularly of girls.

19. The Committee is also concerned by the increase in the number of children living and/or working on the street in major cities. It is also worried by the violence that is often directed against them. The Committee is further concerned by the lack of statistical data and studies on such children.

20. The Committee is concerned by the persistence of malnutrition and the apparent difficulty in reversing this negative trend. It is also worried by the rapid spread of HIV/AIDS throughout the country and its devastating impact on childen.

21. The Committee remains concerned at the persistence of traditional attitudes and harmful practices, such as female genital mutilation, early marriages, teenage pregnancies and Trokosi (ritual enslavement of girls).

22. With regard to the right to education (arts. 28 and 29), while noting that the principle of free, universal and compulsory basic education for all children is recognized by the State party, the Committee is concerned that this fundamental right is not yet fully and equally implemented throughout the country. Furthermore, the Committee is concerned about the low level of school enrolment and the high drop-out rates, especially among girls, the lack of learning and teaching facilities and the shortage of trained teachers, particularly in rural areas.

23. In light of articles 2, 3 and 22 of the Convention, the Committee is concerned about the difficulties encountered by refugee children in securing access to basic education, health and social services.

24. The Committee is concerned about the insufficiency of legal and other measures to prevent and combat economic exploitation of children adequately, especially in the informal sector.

25. The Committee is concerned by the recent emergence of substance abuse among children and the limited prevention and rehabilitation measures and facilities to combat this phenomenon.

26. The Committee is concerned by the absence of information and data concerning sexual abuse and exploitation, including in the family. In this regard, it is also worried about the fact that children aged between 14 and 18 years do not benefit from appropriate legal and social protection measures.

27. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant international standards, is a matter of concern. The Committee remains particularly concerned about, inter alia, violations of the rights of the child in detention centres, the low age (7 years old) for criminal responsibility and the inadequacy of existing alternative measures to imprisonment.

E. Suggestions and recommendations

28. The Committee recommends that the comprehensive law on the protection of the child currently being drafted be in conformity with the principles and provisions of the Convention and that it be finalized and adopted in the near future.

29. The Committee recommends that the State party strengthen coordination among the various governmental bodies and mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention. The Committee encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular. In this regard, it recommends that the role and resources of the Ghana National Commission on Children be reinforced within as well as outside the government sphere. It encourages the State party to further cooperate closely with non-governmental organizations (NGOs). Furthermore, the Committee encourages the State party to ratify in the near future other major international human rights treaties, inter alia the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

30. The Committee also recommends that the State party give priority attention to the development of a system of data collection and analysis as well as to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children and evaluating progress achieved and the difficulties hampering the realization of children's rights. They can be used as a basis for designing programmes to improve the situation of children, particularly the most disadvantaged, including children with disabilities, the girl child, children ill-treated and abused within the family and in other institutions, children deprived of liberty, children who are victims of sexual exploitation, refugee children and children living and/or working on the street. It is further suggested that the State party request international cooperation in this regard.

31. In the light of articles 2, 3 and 4 of the Convention, the Committee recommends that priority be given in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on health and education, and on the enjoyment of these rights by children, particularly the most disadvantaged. In this regard, the Committee suggests that the authorities responsible for overall planning and budgeting continue to be fully involved in the activities of the Ghana National Commission on Children, with a view to ensuring that their decisions have a direct and positive impact on the budget.

32. The Committee further recommends that all appropriate measures, including public information campaigns be undertaken to prevent and combat all forms of discrimination against girls and children with disabilities, especially those living in rural areas, with a view, inter alia, to facilitating their access to basic services.

33. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention, in particular "the best interests of the child" (art. 3) and the participation of children (art. 12), not only guide policy discussions and formulation and decision-making, but also are appropriately integrated into any judicial and administrative decisions, as well as in the development and implementation of all projects and programmes which have an impact on children.

34. The Committee recommends that the State party launch a systematic information campaign, for both children and adults, on the Convention on the Rights of the Child. Consideration should be given to the incorporation of the Convention in the curricula of all educational institutions and appropriate measures should be taken to facilitate access by children to information concerning their rights. The Committee also suggests that the State party further direct efforts to provision of comprehensive training programmes for professional groups working with and for children such as judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school managers, health personnel, social workers, officials of central and local administrations and personnel of child-care institutions.

35. In light of article 7 of the Convention, the Committee recommends that special efforts be directed to development of an effective system of birth registration, to ensure the full enjoyment of their fundamental rights by all children. Such a system would serve as a tool in the collection of statistical data, in the assessment of prevailing difficulties and in the promotion of progress in the implementation of the Convention.

36. In light of articles 3, 19 and 28.2, the Committee strongly recommends that corporal punishment be prohibited by law and that references to disciplinary measures using physical force, such as caning, be withdrawn from the Teachers Handbook. It further recommends that authorities develop and implement appropriate creative and socio-educational measures of discipline which respect all the rights of the child.

37. The Committee recommends that the State party take all appropriate measures, including legal ones, to protect children from harmful information, including in the audio-visual media as well as in media using new technologies.

38. With a view to fully protecting the rights of adopted children, the Committee recommends that the State party review its adoption laws in the light of article 21 of the Convention. Furthermore, the Committee recommends that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

39. The Committee encourages the State party to undertake to prevent and combat the phenomenon of children working and/or living on the street by, inter alia, engaging in research and collection of data, promoting integration and vocational training programmes as well as guaranteeing equal access to health and social services.

40. The Committee recommends that the State party take all appropriate measures, including through international cooperation, to prevent and combat malnutrition.

41. The Committee suggests that the Government strengthen its information and prevention programmes to combat HIV/AIDS and sexually transmittable diseases (STD) as well as discriminatory attitudes towards children affected by or infected with HIV/AIDS. The Committee further recommends that the State party pursue and strengthen its family planning and reproductive health programmes, including for adolescents.

42. The Committee shares the view of the State party that serious efforts are required to address harmful traditional practices such as early marriage, female genital mutilation and Trokosi. The Committee recommends that all legislation be reviewed to ensure its full compatibility with children's rights and that public campaigns involving all sectors of society be developed and pursued with a view to changing attitudes. All appropriate action in this regard should be taken on a priority basis.

43. In accordance with article 28 (a) of the Convention, the Committee encourages the State party in its efforts to make primary education free, compulsory and available to all. It also encourages the Government to implement measures to improve school enrolment and pupil retention, especially of girls. A system for the regular evaluation of the effectiveness of these and other educational measures, including of the quality of teaching, must be ensured. Further steps should be taken to develop guidelines for the participation of all children in the life of the school, in conformity with the principles and provisions of the Convention. In addition, the Committee recommends that, in light of the provisions of article 29 of the Convention and the United Nations Decade for Human Rights Education, the State party incorporate education on the rights of the child in school curricula. The State party may wish to consider requesting further international cooperation for the implementation of the measures identified for the application of the provisions of articles 28 and 29 of the Convention.

44. In the spirit of articles 2, 3 and 22 of the Convention, the Committee recommends that the State party make all appropriate efforts to ensure easy and full access to basic services, including education, health and social services, to all children living under its jurisdiction.

45. The Committee encourages the State party to give specific attention to monitoring the full implementation of labour laws in order to protect children from being economically exploited. It further suggests that the authorities adopt explicit legislation and measures to protect children from exploitation through child labour in the informal sector. In addition, the Committee suggests that the State party consider ratification of ILO Convention No. 138 on minimum age for employment.

46. The Committee recommends that the authorities take all appropriate measures to prevent and combat drug and substance abuse among children, such as public information campaigns, including in schools. It also encourages the State party to support rehabilitation programmes dealing with children victim of drug and substance abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from competent international organizations, such as the World Health Organization (WHO).

47. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party reinforce its legislative framework to fully protect children from all forms of sexual abuse or exploitation, including within the family. It also recommends that the State party engage in studies with a view to designing and implementing appropriate policies and measures, including in the area of rehabilitation, to combat this phenomenon comprehensively and effectively. The Committee wishes in this regard to draw

the attention of the State party to the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

48. The Committee recommends that the State party consider undertaking a comprehensive reform of the juvenile justice system in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to protecting the rights of children deprived of their liberty, to raising the minimum age of criminal responsibility and to improving the quality and adequacy of alternative measures to imprisonment. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system. The Committee further suggests that the State party consider seeking technical assistance for this purpose from the High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

49. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate on and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.